

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CYWEE GROUP LTD.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No. 2:17-CV-00140-RWS-RSP
	§	
SAMSUNG ELECTRONICS CO., LTD.	§	
AND SAMSUNG ELECTRONICS	§	
AMERICA, INC.,	§	
	§	
Defendants.	§	

ORDER

In this patent case, the Court now considers Defendants’ Motion to Strike Plaintiff CyWee Group Ltd.’s Untimely Infringement Charts [Dkt. # 41]. Defendants allege Plaintiff is attempting to add additional Samsung products to its infringement contentions by way of new claim charts served two months after its initial contentions were due. CyWee, however, has since moved for leave to amend its contentions. *See* Pl.’s Mot. for Leave to Amend Its Infringement Contentions [Dkt. # 44].¹

Because the Court has not entered a claim construction ruling in this case, CyWee can only amend its infringement contentions by leave of Court, which requires a showing of good cause. P.R. 3-6(b). CyWee, however, had not moved for leave when Defendants

¹ CyWee filed its motion for leave to amend two days after responding to the present motion.

moved to strike. Therefore, the additional claim charts had no operative effect at the time Defendants filed their motion, and have no operative effect on this case unless and until the Court grants leave to amend.

Put another way, the present motion is unnecessary. Accordingly, the Court **DENIES** Defendants' Motion [Dkt. # 41], and will consider CyWee's motion for leave separately.

SIGNED this 20th day of January, 2018.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE